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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,481	06/01/2000	Klaus Gettwart	P00.0937	8302

7590 10/22/2003

SCHIFF, HARDIN & WAITE  
PATENT DEPARTMENT  
7100 SEARS TPWER  
CHICAGO, IL 60606-6473

EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**RECEIVED**

OCT 27 2003

SCHIFFHARDIN & WAITE  
U.S. PATENT DEPT.

**Office Action Summary**

Application No.

09/586,481

Applicant(s)

GETTWART ET AL.

Examiner

Debra F. Charles

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. In response to the attorney's communication received 23 September 2003, the office action dated 17 June 2003 is reversed.

#### ***Response to Amendment***

2. Claims 1 and 9 have been amended.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, 9, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsden(U.S. PAT. 5233532A), Lemelson(U.S. PAT. 4342038A), Sansone et al.(U.S. PAT. 5072401A) and Pittori et al.(WO 99/08234).

Re claims 1 and 9: Ramsden disclose a method for processing postal matter(Abstract) comprising the steps of:

providing a receiving station and at said receiving station allowing a customer to deposit a postal item(Abstract) and to enter shipping data for said postal item into said receiving station(col. 2, lines 30-34, col. 7, lines 10-45) and, at said receiving station, on said postal item representing said shipping data(col. 7, lines 10-45), to produce a marked postal item, and temporarily storing said marked postal item at said receiving station(Abstract, col. 1, lines 25-35, col. 2, lines 1-5).

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Ramsden disclose(s) the claimed invention except printing a machine-readable marking, not governmentally approved for franking. However, in Abstract, col. 1, lines 25-35 thereof, Lemelson disclose(s) indicia on articles or packages that indicates such variables as identification, destination, weight, cost, postage or a combination of such variables used to calculate postage. It would be obvious to one of ordinary skill in the art to modify the invention of Ramsden based on the teachings of Lemelson. The motivation to combine these references is while Ramsden indicates shipping/mailing label is produced, Lemelson indicates printing on the package may be any combination of variables that are used to calculate postage.

Ramsden disclose(s) the claimed invention except transporting said marked postal item to a distributing station, remote from and unconnected to said receiving station, and providing a franking apparatus and a memory accessible by said franking apparatus at said distributing station, and transferring said shipping data from said marking into said memory at said distributing station; franking said postal item with said franking apparatus with as a governmentally approved franking imprint at said distributing station according to said shipping data transferred from said marking and stored in said memory to produce a franked postal item. However, in Abstract, col. 1, lines 10-34, col. 3, lines 35-50, col. 6, lines 15-30, col. 8, lines 3-30, Fig. 3, item 90, Fig. 4A showing mailer site A and B, Fig. 5A thereof, Sansone et al. disclose(s) postage and franking activity and memory accessible by franking apparatus, i.e. "program memory". Further, in Abstract, page 1, paragraphs 2 and 3, Pittori et al. disclose(s) a franking apparatus which is usable in the mailer environment or in the post office. It would be obvious to one of ordinary skill in the art to modify the invention of Ramsden based on the teachings of Sansone et al. and Pittori et al. The motivation to combine these references is Pittori et al. discloses the franking apparatus which is old and well-known in the mailing industry. Sansone et al. mentions affixing postage to unfranked mail and does not mention apparatus as Pittori et al. does, but indicates the functionality of the apparatus in the specification part of the patent. The state of art at the time of the applicant's invention combined the franking and postage function in one step with the weighing function. Thus, it would be obvious to keep these functions combined as in Ramsden rather than separate them because it is more cost efficient perform these functions all in one step.

Re claim 15: Ramsden disclose(s) the claimed invention except wherein said franking apparatus comprises a rate memory containing postal rates for calculating a cost of shipping said marked postal item. However, in Abstract, page 1, paragraphs 2 and 3, page 7, paragraphs 1-6 thereof, Pittori et al. disclose(s) printing franking data which is provided exclusively by the authorizing postal entity. It would be obvious to one of ordinary skill in the art to modify the invention of Ramsden based on the teachings of Pittori et al. The motivation to combine these references is Pittori et al. disclose a franking apparatus that is usable in post offices and has relevant technology to store postal rates for calculating postage.

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Re claim 16: Ramsden disclose(s) further comprising a postal calculating unit at said receiving station and a rate memory at said receiving station accessible by said postal calculating unit for calculating a cost of shipping said postal item dependent on said shipping data(col. 7, lines 9-30).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsden, Lemelson, Sansone et al. and Pittori et al. as applied to claim 16 above, and further in view of Allocca et al.(U.S. PAT. 4138735A).

Re claim 17: Ramsden, Lemelson, Sansone et al. and Pittori et al. disclose(s) the claimed invention except wherein said control unit at said receiver station is connected to a modem at said receiver station for reloading updated rates into said rate memory. However, in Abstract, col. 2, lines 1-60 thereof, Allocca et al. disclose(s) writing current postage rate charts into remote memories using standard phone line which includes a modem since that is the only way the transmission can occur. It would be obvious to one of ordinary skill in the art to modify the invention of Ramsden, Lemelson, Sansone et al. and Pittori et al. based on the teachings of Allocca et al. The motivation to combine these references is Allocca et al. describes the process of updating remote meters with current rate tables to calculate current shipping rate for envelopes and packages.

#### ***Allowable Subject Matter***

7. Claims 2-8 and 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5771.

Debra F. Charles  
Examiner  
Art Unit 3628

dfc

  
HYUNG SOUH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600